

REMARKS

I. Introduction

In view of the above amendments and the following remarks, reconsideration of the rejections contained in the Office Action of September 17, 2008 is respectfully requested.

By this amendment claims 1-11 and 24-25 have been amended, claims 12-23, 26, and 27-35 have been canceled without prejudice or disclaimer to the subject matter contained therein, and claims 36-38 have been added. Claim 25, drawn to a non-elected species, is withdrawn pending allowance of the generic claim 1. Claims 1-11, 24, and 36-38 are now pending in the application. No new matter has been added by these amendments.

The entire specification has been reviewed and revised. Due to the number of revisions, the amendments to the specification have been incorporated into the attached substitute specification. For the Examiner's benefit, a marked-up copy of the specification and abstract indicating the changes made thereto is also enclosed. No new matter has been added by these revisions. Entry of the substitute specification is thus respectfully requested.

II. Prior Art Rejections

Currently, claims 1-11 are rejected under 35 U.S.C. § 102(a) as being unpatentable over Sulzback (US 5,834,527) and claim 24 has been rejected under 35 U.S.C. § 103 as being unpatentable also over Sulzback.

Claims 1 and 24 are patentable over Sulzback for the following reasons. Claims 1 and 24 have been amended to recite, in part, pressurizing the cavity of the mold to a pressurization, the

pressurization being maintained until an injected volume of the foamable material equaling approximately the cavity volume multiplied by $1/n$ is injected into the mold to obtain a shaped foam having an expansion ratio of about $n:1$. This amendment is supported by the specification as originally filed at page 27, lines 5-10.

Sulzback discloses a process of manufacturing polyurethane foam moldings. The bulk of the disclosure of Sulzback addresses the percent by weight of carbon dioxide to dissolve as a blowing agent and the internal mold pressure as a percentage of the saturation pressure of the dissolved carbon dioxide. Importantly, Sulzback does not make any disclosure regarding an expansion ratio of a shaped foam, as required by claims 1 and 24. Accordingly, Sulzback cannot anticipate the amended claims. Sulzback also does not disclose a foamable material injected into the mold in a volume equaling approximately a fraction of the cavity volume dictated by the expansion ratio, i.e. "the cavity volume multiplied by $1/n$." In fact, Sulzback discloses "it is in fact particularly advantageous for the volume introduced to be as large as possible, provided the flowability is sufficient." (column 2, ln. 34-36; emphasis added.) In other words, Sulzback teaches that it is advantageous to maximize volume, limited only by flowability; conversely, the present claims require an injected volume dictated by an expansion ratio. Accordingly, Sulzback teaches away from the present invention. It is thus submitted that the invention of the present application, as defined in claims 1 and 24, is not anticipated nor rendered obvious by the prior art, and yields significant advantages over the prior art. Allowance is respectfully requested.

Claims 2-11 and 36-38 depend directly or indirectly from claim 1, and are thus allowable for at least the reasons set forth above in support of claim 1. Claim 25 is drawn to a non-elected species of generic claim 1 and contains all the limitations of claim 1; claim 25 is therefore

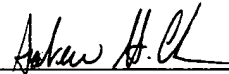
believed to be allowable for at least the reasons set forth above in support of claim 1.

In view of the foregoing amendments and remarks, inasmuch as all of the outstanding issues have been addressed, Applicants respectfully submit that the present application is in complete condition for issuance of a formal Notice of Allowance, and action to such effect is earnestly solicited.

Should any issues remain after consideration of the within response, however, the Examiner is invited to telephone the undersigned at his convenience. If any fee beyond that submitted herewith, or extension of time is required to obtain entry of this Amendment, the undersigned hereby petitions the Commissioner to grant any necessary time extension and authorizes charging Deposit Account 23-0975 for any such fee not submitted herewith.

Respectfully submitted,

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